

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDREW JOHN WAHOLEK,	)	
	)	
Plaintiff,	)	Civil Action No. 20-cv-01639
	)	District Judge Robert J. Colville
v.	)	Magistrate Judge Maureen P. Kelly
	)	
MELINDA L. ADAMS, <i>Superintendent</i> , and	)	
RAY C. SNYDER, <i>FSM – I</i> ,	)	
Defendants.	)	

**ORDER**

AND NOW, this 9<sup>th</sup> day of July, 2021, after Plaintiff Andrew John Waholek (“Plaintiff”) filed an action in the above-captioned case, and upon consideration of his Motion for Injunctive Relief, ECF No. 8, and after a Report and Recommendation recommending that the Motion be denied was filed by the United States Magistrate Judge, ECF No. 35, giving the parties until July 6, 2021, to file written objections thereto, and no Objections having been filed, and upon independent review of the record<sup>1</sup> including Plaintiff’s July 2, 2021 Notice of Change of Address, ECF No. 35, indicating he is no longer subject to the complained of conditions, and upon consideration of the Magistrate Judge’s Report and Recommendation, which is ADOPTED as the

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<sup>1</sup> With respect to dispositive matters, the reviewing district court must make a *de novo* determination of those portions of the magistrate judge’s report and recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987))

opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Injunctive Relief, ECF No. 8, is  
DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of  
Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as  
provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,  
at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

**BY THE COURT:**

/s/ Robert J. Colville  
Robert J. Colville  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record Via CM-ECF

Andrew John Waholek  
201 Michigan Street  
Pittsburgh, PA 15210